

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LONNIE RAY CARTER,

Plaintiff,

v.

ASHLEY A. ZUBER, *et al.*,

Defendants.

CASE NO. 3:20-cv-05166-RJB-JRC

ORDER DIRECTING
SUBMISSION OF SERVICE
INFORMATION FOR UNSERVED
DEFENDANT

This civil rights matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4. *See* Am. Gen. Order No. 02-19.

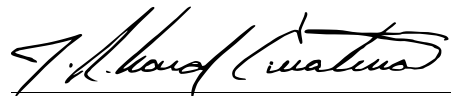
Plaintiff, proceeding *pro se* and *in forma pauperis* (“IFP”), initiated this matter on February 24, 2020. *See* Dkt. 1. On January 25, 2021, the Court directed service of plaintiff’s complaint only as to his claims under the Eighth Amendment. *See* Dkt. 26; *see also* Dkts. 22, 25 (dismissing all other claims against defendants). Defendant Zuber has entered an appearance and filed a waiver of service through counsel. *See* Dkts. 28, 29. However, defendant “S. Roddey”

1 has made no appearance in this matter. Defendant Zuber's counsel has filed a notice stating that
2 the Department of Corrections has been unable to identify any employee named S. Roddey and
3 that no other individual by this name has been located or identified as a State of Washington
4 employee. *See* Dkt. 30. As a result, defendant Roddey has not been served in this matter and is
5 not subject to the Court's jurisdiction.

6 Although the Court has directed service of the summons and complaint, plaintiff still
7 bears the burden of providing accurate and sufficient information to effect service. *See Walker v.*
8 *Sumner*, 14 F.3d 1415, 1422 (9th Cir. 1994), *overruled on other grounds by Sandin v. Conner*,
9 515 U.S. 472 (1995); *see also* Fed. R. Civ. P. 4. When an IFP plaintiff fails to provide the Court
10 with accurate and sufficient information to effect service of the summons and complaint, it is
11 appropriate for the Court to *sua sponte* dismiss the unserved defendant. *See Walker*, 14 F.3d at
12 1421–22.

13 Accordingly, plaintiff is directed to provide the complete name, address, and any other
14 identifying information for defendant Roddey so that the Court can effect service. This
15 information must be provided to the Court on or before **Friday, April 16, 2021**, or the Court
16 may recommend dismissal of defendant Roddey from this action without prejudice.

17 Dated this 17th day of March, 2021.

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21 J. Richard Creatura
22 United States Magistrate Judge
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